

re Application of:

William H. Miller et al.

Serial No:

10/089,739

Filed:

October 6, 2000

For:

Fab I Inhibitors

Atty Docket No.: IPT-071.01

Art Unit: 1625

Examiner: Not Known

## CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 18, 2003.

John Barretto

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR § 1.97 (b)(3)

Sir:

Submitted herewith on Form PTO-1449 is a list of publications known to Applicants and/or their Attorney/Agent in compliance with the requirement of 37 C.F.R § 1.56. A copy of each publicly available document is also being submitted herewith.

Applicants have cited for the Examiner's consideration certain issued U.S. patents and co-pending U.S. patent applications that are owned at least in part by the assignee of this application, that describe subject matter related to the present invention. The co-pending applications are listed herewith in accordance with M.P.E.P. 609 III.D which states: "Applicants may wish to list U. S. patent application numbers on other than form PTO-1449 or PTO/SB/08A and 08B format to avoid the application numbers of pending applications being published on the patent. If a citation is not printed on the patent but has been considered by the examiner in accordance with this section, the patented file will reflect that fact as noted in subsection III.C(2) above."

No copies of the co-pending applications have been provided. If the Examiner wishes to have copies of the co-pending applications, Examiner should contact the Attorney of record. Applicants respectfully request that the Examiner consider these listed documents and indicate that each was considered by making appropriate notations on this Information Disclosure Statement.

Examiner Initials	Our docket no.	S.N.	Title	Filing Date	Status	Document Enclosed
	IPT- 064.01	10/407,028	Methods of Agonizing and Antagonizing Fab K	4 April 2003	Pending	no
	IPT- 067.01	09/959,172	Fab I Inhibitors	19 April 2000	Issued: U.S. Pat. 6,503,903	yes
	IPT- 067.02	10/292,687	Fab I Inhibitors	12 November 2002	Pending: continuation of '903 patent	no
· · ·	IPT- 068.01	09/979,560	Disubstituted Imidazoles Useful in the Treatment of Bacterial Infections	24 May 2000	Issued: U.S. Pat. 6,559,172	yes
	IPT- 068.02	10/339,092	Disubstituted Imidazoles Useful in the Treatment of Bacterial Compounds	9 January 2003	Pending: continuation of the '172 patent	no
*****	IPT- 069.01	09/980,369	Antibacterial Compounds	1 June 2000	Issued: U.S. Pat. 6,573,272	yes
	IPT- 069.02	10/429,923	Antibacterial Compounds	5 May 2003	Pending: continuation of the '272 patent	no
	IPT- 070.01	10/089,755	Fab I Inhibitors	6 October 2000	Pending	no
	IPT- 072.01	10/089,740	Fab I Inhibitors	6 October 2000	Allowed	No
Date Consid	lered:		Examiner	's Name:	<u> </u>	<u> </u>

Applicants have listed dates of publication on the attached PTO-1449 for the cited documents based on information presently available to the undersigned. However, the listed publication dates should not be construed that the information in the cited documents was actually published or otherwise publicly available on the date indicated.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached Form 1449.

This submission does not represent that a search has been made or that no better art exists. Nor does it constitute an admission that each or all of the listed documents are material or constitute "prior art." Further, if the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents. Moreover, the Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Under 37 C.F.R.§1.97(b)(3), no additional costs are believed to be due in connection with the filing of this disclosure. If, however, a first Office Action on the merits issues in this application bearing a mailing date prior to the date of this Information Disclosure Statement, please charge the appropriate fee as required under 37 C.F.R. 1.17(p) to our **Deposit Order**Account No. 06-1448.

Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at (617) 832-1000.

Respectfully submitted,

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**D** 

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Dated: July 18, 2003 Customer No.: 25181

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Form PTO-1449 INFORMATION DISCLOSURE CITATION				Docket Number (Optional) IPT-071.01				Application Number 10/089,739				
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UL 2:1 2003	١.			Miller et al. Filing Date				Group Art Unit				
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OLES				Miller et al.  Filing Date Group Art Unit October 6, 2000 1625						
JUL 2 1 2000	133			U.S. PATENT DOCUM	<b>MENTS</b>					
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